

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
BENTON DIVISION

MARY E. SHEPARD and the ILLINOIS  
STATE RIFLE ASSOCIATION,

Plaintiffs,

V.

LISA M. MADIGAN, solely in her official capacity as ATTORNEY GENERAL OF ILLINOIS, GOVERNOR PATRICK J. QUINN, solely in his official capacity as Governor of the State of Illinois, TYLER R. EDMONDS, solely in his official capacity as the State's Attorney of Union County, Illinois, and SHERIFF DAVID LIVESAY, solely in his official capacity as Sheriff of Union County,

Defendants.

No. 3:11-cv-00405-WDS-PMF

Honorable Judge William D. Stiehl

Magistrate Judge Philip M. Frazier

**MOTION OF *AMICUS CURIAE* NATIONAL RIFLE ASSOCIATION OF AMERICA,  
INC. FOR LEAVE TO FILE AN *AMICUS* BRIEF IN SUPPORT OF PLAINTIFFS' MO-  
TION FOR SUMMARY JUDGMENT**

NOW COME *Amicus Curiae* National Rifle Association of America, Inc. (NRA), by and through undersigned counsel, and move this Court for leave to file an *amicus* brief in support of Plaintiffs' Motion for Summary Judgment. In support of its motion, the NRA states as follows:

1. Whether to permit participation by an *amicus curiae* is a matter committed to this Court's sound discretion. See *U.S. Board of Educ. v. City of Chicago*, No. 80 C 5124, 1993 WL 408356, at \*3 (N.D. Ill. Oct. 12, 1993).

2. The NRA is America's foremost and oldest defender of Second Amendment rights. Founded in 1871, the NRA today has approximately four million members and its programs

reach millions more. The NRA is America's leading provider of firearms marksmanship and safety training for both civilians and law enforcement. The NRA's membership includes Illinois residents, including Ms. Shepard, one of the plaintiffs in this case.

2. The NRA and its members have numerous interests that will be substantially affected by the outcome of this litigation. First and foremost, the rights of Illinois NRA members are infringed by the State's ban on carrying firearms for self-defense in public. The outcome of this case is thus critically important to the NRA and its Illinois members. Second, the NRA and its members are often litigants in cases raising Second Amendment issues, including the right to carry firearms in public for self-defense. *See, e.g., Jennings v. McCraw*, No. 5:10-cv-141-C (N.D. Tex. filed Sept. 8, 2010).

3. The NRA respectfully submits that its participation will assist the Court in deciding the important issues presented by this case. The NRA has extensive experience litigating the Second Amendment's application to laws, like Illinois's carriage ban, that burden law-abiding individuals' fundamental right to keep and bear arms. Indeed, it filed briefs in the United States Supreme Court in both *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), and since that time it has participated as both an *amicus curiae* and as a party in cases across the Nation that implicate those seminal decisions and the fundamental rights they explicate and protect.

4. The NRA's proposed *amicus* brief presents information refuting the notion that public safety is served by prohibiting law-abiding citizens from carrying firearms in public for self-defense. A copy of the NRA's brief is attached as Exhibit A to this motion.

5. Counsel for the NRA has notified counsel for Plaintiffs and Defendants of this motion. Counsel for Plaintiffs has stated that Plaintiffs do not oppose this motion. On Thursday, August

25, counsel for the NRA emailed counsel for Defendants notifying them of this motion and seeking their clients' position. As of this filing, counsel for Defendants have not responded.

WHEREFORE, the NRA respectfully requests that the Court grant its motion for leave to file an *amicus* brief in support of Plaintiffs' Motion for Summary Judgment.

Dated: August 29, 2011

Respectfully submitted,

s/ Charles J. Cooper  
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*\*Pro hac vice application pending*

*Counsel for Amicus Curiae NRA*

**CERTIFICATE OF SERVICE**

The undersigned attorney states that he caused a true and correct copy of the Motion of *Amicus Curiae* National Rifle Association of America, Inc., for Leave to File an *Amicus* Brief in Support of Plaintiffs' Motion for Summary Judgment, to be served upon the parties of record, as shown below, via the Court's CM/ECF system on the 29th day of August, 2011.

By: s/ Charles J. Cooper

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